

REFERENCE TITLE: **electronic communications; harassment; order; protection**

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2248

Introduced by
Representative Robson

AN ACT

**AMENDING SECTIONS 12-1809, 13-2921 AND 13-3602, ARIZONA REVISED STATUTES;
RELATING TO ELECTRONIC COMMUNICATIONS.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 12-1809, Arizona Revised Statutes, is amended to
3 read:
4 12-1809. Injunction against harassment; petition; venue; fees;
5 notices; enforcement; definition
6 A. A person may file a verified petition with a magistrate, justice of
7 the peace or superior court judge for an injunction prohibiting harassment.
8 If the person is a minor, the parent, legal guardian or person who has legal
9 custody of the minor shall file the petition unless the court determines
10 otherwise. The petition shall name the parent, guardian or custodian as the
11 plaintiff, and the minor is a specifically designated person for the purposes
12 of subsection F of this section. If a person is either temporarily or
13 permanently unable to request an injunction, a third party may request an
14 injunction on behalf of the plaintiff. After the request, the judicial
15 officer shall determine if the third party is an appropriate requesting party
16 for the plaintiff. Notwithstanding the location of the plaintiff or
17 defendant, any court in this state may issue or enforce an injunction against
18 harassment.
19 B. An injunction against harassment shall not be granted:
20 1. Unless the party who requests the injunction files a written
21 verified petition for injunction.
22 2. Against a person who is less than twelve years of age unless the
23 injunction is granted by the juvenile division of the superior court.
24 3. Against more than one defendant.
25 C. The petition shall state all of the following:
26 1. The name of the plaintiff. The plaintiff's address shall be
27 disclosed to the court for purposes of service. If the address of the
28 plaintiff is unknown to the defendant, the plaintiff may request that the
29 address be protected. On the plaintiff's request, the address shall not be
30 listed on the petition. Whether the court issues an injunction against
31 harassment, the protected address shall be maintained in a separate document
32 or automated database and is not subject to release or disclosure by the
33 court or any form of public access except as ordered by the court.
34 2. The name and address, if known, of the defendant.
35 3. A specific statement showing events and dates of the acts
36 constituting the alleged harassment.
37 4. The name of the court in which there was or is any prior or pending
38 proceeding or order concerning the conduct that is sought to be restrained.
39 5. The relief requested.
40 D. A fee shall not be charged for filing a petition under this
41 section. Fees for service of process may be deferred or waived under any
42 rule or law applicable to civil actions, except that fees for service of
43 process shall not be charged if the petition arises out of a dating
44 relationship. The court shall advise a plaintiff that the plaintiff may be
45 eligible for the deferral or waiver of these fees at the time the plaintiff

1 files a petition. The court shall not require the petitioner to perform
2 community restitution as a condition of the waiver or deferral of fees for
3 service of process. A law enforcement agency or constable shall not require
4 the advance payment of fees for service of process of injunctions against
5 harassment. If the court does not waive the fees, the serving agency may
6 assess the actual fees against the plaintiff. On request of the plaintiff,
7 an injunction against harassment that is issued by a municipal court may be
8 served by the police agency for that city if the defendant can be served
9 within the city. If the defendant cannot be served within the city, the
10 police agency in the city in which the defendant can be served may serve the
11 injunction. On request of the plaintiff, each injunction against harassment
12 that is issued by a justice of the peace shall be served by the constable for
13 that jurisdiction if the defendant can be served within the jurisdiction. If
14 the defendant cannot be served within that jurisdiction, the constable in the
15 jurisdiction in which the defendant can be served shall serve the injunction.
16 On request of the plaintiff, an injunction against harassment that is issued
17 by a superior court judge or commissioner may be served by the sheriff of the
18 county. If the defendant cannot be served within that jurisdiction, the
19 sheriff in the jurisdiction in which the defendant can be served may serve
20 the order. The court shall provide, without charge, forms for purposes of
21 this section for assisting parties without counsel.

22 E. The court shall review the petition, any other pleadings on file
23 and any evidence offered by the plaintiff, **INCLUDING ANY EVIDENCE OF**
24 **HARASSMENT BY ELECTRONIC CONTACT OR COMMUNICATION**, to determine whether the
25 injunction requested should issue without a further hearing. Rules 65(a)(1)
26 and 65(e) of the Arizona rules of civil procedure do not apply to injunctions
27 that are requested pursuant to this section. If the court finds reasonable
28 evidence of harassment of the plaintiff by the defendant during the year
29 preceding the filing of the petition or that good cause exists to believe
30 that great or irreparable harm would result to the plaintiff if the
31 injunction is not granted before the defendant or the defendant's attorney
32 can be heard in opposition and the court finds specific facts attesting to
33 the plaintiff's efforts to give notice to the defendant or reasons supporting
34 the plaintiff's claim that notice should not be given, the court shall issue
35 an injunction as provided for in subsection F of this section. If the court
36 denies the requested relief, it may schedule a further hearing within ten
37 days with reasonable notice to the defendant. For **THE** purposes of
38 determining the one year period, any time that the defendant has been
39 incarcerated or out of this state shall not be counted.

40 F. If the court issues an injunction, the court may do any of the
41 following:

- 42 1. Enjoin the defendant from committing a violation of one or more
43 acts of harassment.
- 44 2. Restrain the defendant from contacting the plaintiff or other
45 specifically designated persons and from coming near the residence, place of

1 employment or school of the plaintiff or other specifically designated
2 locations or persons.

3 3. Grant relief necessary for the protection of the alleged victim and
4 other specifically designated persons proper under the circumstances.

5 G. The court shall not grant a mutual injunction against harassment.
6 If opposing parties separately file verified petitions for an injunction
7 against harassment, the courts after consultation between the judicial
8 officers involved may consolidate the petitions of the opposing parties for
9 hearing. This does not prohibit a court from issuing cross injunctions
10 against harassment.

11 H. At any time during the period during which the injunction is in
12 effect, the defendant is entitled to one hearing on written request. No fee
13 may be charged for requesting a hearing. A hearing that is requested by a
14 defendant shall be held within ten days from the date requested unless the
15 court finds compelling reasons to continue the hearing. The hearing shall be
16 held at the earliest possible time. An ex parte injunction that is issued
17 under this section shall state on its face that the defendant is entitled to
18 a hearing on written request and shall include the name and address of the
19 judicial office where the request may be filed. After the hearing, the court
20 may modify, quash or continue the injunction.

21 I. The injunction shall include the following statement:

22 Warning

23 This is an official court order. If you disobey this
24 order, you may be arrested and prosecuted for the crime of
25 interfering with judicial proceedings and any other crime you
26 may have committed in disobeying this order.

27 J. A copy of the petition and the injunction shall be served on the
28 defendant within one year from the date the injunction is signed. An
29 injunction that is not served on the defendant within one year expires. The
30 injunction is effective on the defendant on service of a copy of the
31 injunction and petition and expires one year after service on the defendant.
32 A modified injunction is effective upon service and expires one year after
33 service of the initial injunction and petition.

34 K. Each affidavit, acceptance or return of service shall be promptly
35 filed with the clerk of the issuing court. This filing shall be completed in
36 person, shall be made by fax or shall be postmarked, if sent by mail, no
37 later than the end of the seventh court business day after the date of
38 service. If the filing is made by fax, the original affidavit, acceptance or
39 return of service shall be promptly filed with the court. Within twenty-four
40 hours after the affidavit, acceptance or return of service has been filed,
41 excluding weekends and holidays, the court from which the injunction or any
42 modified injunction was issued shall forward to the sheriff of the county in
43 which the court is located a copy of the injunction and a copy of the
44 affidavit or certificate of service of process or acceptance of service. On
45 receiving these copies, the sheriff shall register the injunction.

1 Registration of an injunction means that a copy of the injunction and a copy
2 of the affidavit or certificate of service of process or acceptance of
3 service have been received by the sheriff's office. The sheriff shall
4 maintain a central repository for injunctions so that the existence and
5 validity of the injunctions can be easily verified. The effectiveness of an
6 injunction does not depend on its registration, and for enforcement purposes
7 pursuant to section 13-2810, a copy of an injunction, whether or not
8 registered, is presumed to be a valid existing order of the court for a
9 period of one year from the date of service of the injunction on the
10 defendant.

11 L. A peace officer, with or without a warrant, may arrest a person if
12 the peace officer has probable cause to believe that the person has violated
13 section 13-2810 by disobeying or resisting an injunction that is issued
14 pursuant to this section, whether or not the violation occurred in the
15 presence of the officer. The provisions for release under section 13-3903 do
16 not apply to an arrest made pursuant to this subsection. A person who is
17 arrested pursuant to this subsection may be released from custody in
18 accordance with the Arizona rules of criminal procedure or any other
19 applicable statute. An order for release, with or without an appearance
20 bond, shall include pretrial release conditions that are necessary to provide
21 for the protection of the alleged victim and other specifically designated
22 persons and may provide for additional conditions that the court deems
23 appropriate, including participation in any counseling programs available to
24 the defendant.

25 M. If a peace officer responds to a call alleging that harassment has
26 been or may be committed, the officer shall inform in writing any alleged or
27 potential victim of the procedures and resources available for the protection
28 of the victim including:

- 29 1. An injunction pursuant to this section.
- 30 2. The emergency telephone number for the local police agency.
- 31 3. Telephone numbers for emergency services in the local community.

32 N. The remedies provided in this section for enforcement of the orders
33 of the court are in addition to any other civil and criminal remedies
34 available. The municipal court and the justice court may hear and decide all
35 matters arising pursuant to this section. After a hearing with notice to the
36 affected party, the court may enter an order requiring any party to pay the
37 costs of the action, including reasonable attorney fees, if any. An order
38 that is entered by a justice court or municipal court after a hearing
39 pursuant to this section may be appealed to the superior court as provided in
40 title 22, chapter 2, article 4, section 22-425, subsection B and the superior
41 court rules of civil appellate procedure without regard to an amount in
42 controversy. No fee may be charged to either party for filing an appeal.

43 O. A peace officer who makes an arrest pursuant to this section is not
44 civilly or criminally liable for the arrest if the officer acts on probable

1 cause and without malice. A peace officer is not civilly liable for
2 noncompliance with subsection M of this section.

3 P. This section does not apply to preliminary injunctions issued
4 pursuant to an action for dissolution of marriage or legal separation or for
5 protective orders against domestic violence.

6 Q. In addition to the persons who are authorized to serve process
7 pursuant to rule 4(d), Arizona rules of civil procedure, a peace officer or a
8 correctional officer as defined in section 41-1661 who is acting in the
9 officer's official capacity may serve an injunction against harassment that
10 is issued pursuant to this section.

11 R. ~~It~~ FOR THE PURPOSES OF this section, "harassment" means a series of
12 acts over any period of time that is directed at a specific person and that
13 would cause a reasonable person to be seriously alarmed, annoyed or harassed
14 and the conduct in fact seriously alarms, annoys or harasses the person and
15 serves no legitimate purpose.

16 Sec. 2. Section 13-2921, Arizona Revised Statutes, is amended to read:
17 13-2921. Harassment; classification; definition

18 A. A person commits harassment if, with intent to harass or with
19 knowledge that the person is harassing another person, the person:

20 1. Anonymously or otherwise CONTACTS, communicates or causes a
21 communication with another person by verbal, electronic, mechanical,
22 telegraphic, telephonic or written means in a manner that harasses.

23 2. Continues to follow another person in or about a public place for
24 no legitimate purpose after being asked to desist.

25 3. Repeatedly commits an act or acts that harass another person.

26 4. Surveils or causes another person to surveil a person for no
27 legitimate purpose.

28 5. On more than one occasion makes a false report to a law
29 enforcement, credit or social service agency.

30 6. Interferes with the delivery of any public or regulated utility to
31 a person.

32 B. A person commits harassment against a public officer or employee if
33 the person, with intent to harass, files a nonconsensual lien against any
34 public officer or employee that is not accompanied by an order or a judgment
35 from a court of competent jurisdiction authorizing the filing of the lien or
36 is not issued by a governmental entity or political subdivision or agency
37 pursuant to its statutory authority, a validly licensed utility or water
38 delivery company, a mechanics' lien claimant or an entity created under
39 covenants, conditions, restrictions or declarations affecting real property.

40 C. Harassment under subsection A is a class 1 misdemeanor. Harassment
41 under subsection B is a class 5 felony.

42 D. This section does not apply to an otherwise lawful demonstration,
43 assembly or picketing.

44 E. For THE purposes of this section, "harassment" means conduct THAT
45 IS directed at a specific person ~~which~~ AND THAT would cause a reasonable

1 person to be seriously alarmed, annoyed or harassed and the conduct in fact
2 seriously alarms, annoys or harasses the person.

3 Sec. 3. Section 13-3602, Arizona Revised Statutes, is amended to read:

4 13-3602. Order of protection; procedure; contents; arrest for
5 violation; penalty; protection order from another
6 jurisdiction

7 A. A person may file a verified petition, as in civil actions, with a
8 magistrate, justice of the peace or superior court judge for an order of
9 protection for the purpose of restraining a person from committing an act
10 included in domestic violence. If the person is a minor, the parent, legal
11 guardian or person who has legal custody of the minor shall file the petition
12 unless the court determines otherwise. The petition shall name the parent,
13 guardian or custodian as the plaintiff and the minor is a specifically
14 designated person for the purposes of subsection G of this section. If a
15 person is either temporarily or permanently unable to request an order, a
16 third party may request an order of protection on behalf of the plaintiff.
17 After the request, the judicial officer shall determine if the third party is
18 an appropriate requesting party for the plaintiff. For the purposes of this
19 section, notwithstanding the location of the plaintiff or defendant, any
20 court in this state may issue or enforce an order of protection.

21 B. An order of protection shall not be granted:

22 1. Unless the party who requests the order files a written verified
23 petition for an order.

24 2. Against a person who is less than twelve years of age unless the
25 order is granted by the juvenile division of the superior court.

26 3. Against more than one defendant.

27 C. The petition shall state the:

28 1. Name of the plaintiff. The plaintiff's address shall be disclosed
29 to the court for purposes of service. If the address of the plaintiff is
30 unknown to the defendant, the plaintiff may request that the address be
31 protected. On the plaintiff's request, the address shall not be listed on
32 the petition. Whether the court issues an order of protection, the protected
33 address shall be maintained in a separate document or automated database and
34 is not subject to release or disclosure by the court or any form of public
35 access except as ordered by the court.

36 2. Name and address, if known, of the defendant.

37 3. Specific statement, including dates, of the domestic violence
38 alleged.

39 4. Relationship between the parties pursuant to section 13-3601,
40 subsection A and whether there is pending between the parties an action for
41 maternity or paternity, annulment, legal separation or dissolution of
42 marriage.

43 5. Name of the court in which any prior or pending proceeding or order
44 was sought or issued concerning the conduct that is sought to be restrained.

45 6. Desired relief.

1 D. A fee shall not be charged for filing a petition under this section
2 or for service of process. On request of the plaintiff, each order of
3 protection that is issued by a municipal court shall be served by the police
4 agency for that city if the defendant can be served within the city. If the
5 defendant cannot be served within the city, the police agency in the city in
6 which the defendant can be served shall serve the order. If the order cannot
7 be served within a city, the sheriff shall serve the order. On request of
8 the plaintiff, each order of protection that is issued by a justice of the
9 peace shall be served by the constable or sheriff for that jurisdiction if
10 the defendant can be served within the jurisdiction. If the defendant cannot
11 be served within that jurisdiction, the constable or sheriff in the
12 jurisdiction in which the defendant can be served shall serve the order. On
13 request of the plaintiff, each order of protection that is issued by a
14 superior court judge or commissioner shall be served by the sheriff of the
15 county. If the defendant cannot be served within that jurisdiction, the
16 sheriff in the jurisdiction in which the defendant can be served shall serve
17 the order. Each court shall provide, without charge, forms for purposes of
18 this section for assisting parties without counsel. The court shall make
19 reasonable efforts to provide to both parties an appropriate information
20 sheet on emergency and counseling services that are available in the local
21 area.

22 E. The court shall review the petition, any other pleadings on file
23 and any evidence offered by the plaintiff, **INCLUDING ANY EVIDENCE OF**
24 **HARASSMENT BY ELECTRONIC CONTACT OR COMMUNICATION**, to determine whether the
25 orders requested should issue without further hearing. The court shall issue
26 an order of protection under subsection G of this section if the court
27 determines that there is reasonable cause to believe any of the following:

- 28 1. The defendant may commit an act of domestic violence.
- 29 2. The defendant has committed an act of domestic violence within the
30 past year or within a longer period of time if the court finds that good
31 cause exists to consider a longer period.

32 F. For purposes of determining the period of time under subsection E,
33 paragraph 2 of this section, any time that the defendant has been
34 incarcerated or out of this state shall not be counted. If the court denies
35 the requested relief, it may schedule a further hearing within ten days, with
36 reasonable notice to the defendant.

37 G. If a court issues an order of protection, the court may do any of
38 the following:

- 39 1. Enjoin the defendant from committing a violation of one or more of
40 the offenses included in domestic violence.
- 41 2. Grant one party the use and exclusive possession of the parties'
42 residence on a showing that there is reasonable cause to believe that
43 physical harm may otherwise result. If the other party is accompanied by a
44 law enforcement officer, the other party may return to the residence on one
45 occasion to retrieve belongings. A law enforcement officer is not liable for

1 any act or omission in the good faith exercise of the officer's duties under
2 this paragraph.

3 3. Restrain the defendant from contacting the plaintiff or other
4 specifically designated persons and from coming near the residence, place of
5 employment or school of the plaintiff or other specifically designated
6 locations or persons on a showing that there is reasonable cause to believe
7 that physical harm may otherwise result.

8 4. If the court finds that the defendant is a credible threat to the
9 physical safety of the plaintiff or other specifically designated persons,
10 prohibit the defendant from possessing or purchasing a firearm for the
11 duration of the order. If the court prohibits the defendant from possessing
12 a firearm, the court shall also order the defendant to transfer any firearm
13 owned or possessed by the defendant immediately after service of the order to
14 the appropriate law enforcement agency for the duration of the order. If the
15 defendant does not immediately transfer the firearm, the defendant shall
16 transfer the firearm within twenty-four hours after service of the order.

17 5. If the order was issued after notice and a hearing at which the
18 defendant had an opportunity to participate, require the defendant to
19 complete a domestic violence offender treatment program that is provided by a
20 facility approved by the department of health services or a probation
21 department or any other program deemed appropriate by the court.

22 6. Grant relief that is necessary for the protection of the alleged
23 victim and other specifically designated persons and that is proper under the
24 circumstances.

25 H. The court shall not grant a mutual order of protection. If
26 opposing parties separately file verified petitions for an order of
27 protection, the courts after consultation between the judges involved may
28 consolidate the petitions of the opposing parties for hearing. This does not
29 prohibit a court from issuing cross orders of protection.

30 I. At any time during the period during which the order is in effect,
31 a party who is under an order of protection or who is restrained from
32 contacting the other party is entitled to one hearing on written request. No
33 fee may be charged for requesting a hearing. A hearing that is requested by
34 a party who is under an order of protection or who is restrained from
35 contacting the other party shall be held within ten days from the date
36 requested unless the court finds good cause to continue the hearing. If
37 exclusive use of the home is awarded, the hearing shall be held within five
38 days from the date requested. The hearing shall be held at the earliest
39 possible time. An ex parte order that is issued under this section shall
40 state on its face that the defendant is entitled to a hearing on written
41 request and shall include the name and address of the judicial office where
42 the request may be filed. After the hearing, the court may modify, quash or
43 continue the order.

44 J. Through December 31, 2007, the order shall include the following
45 statement:

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Warning

This is an official court order. If you disobey this order, you may be arrested and prosecuted for the crime of interfering with judicial proceedings and any other crime you may have committed in disobeying this order.

K. Beginning January 1, 2008, the order shall include the following statement:

Warning

This is an official court order. If you disobey this order, you will be subject to arrest and prosecution for the crime of interfering with judicial proceedings and any other crime you may have committed in disobeying this order.

L. A copy of the petition and the order shall be served on the defendant within one year from the date the order is signed. An order of protection that is not served on the defendant within one year expires. An order is effective on the defendant on service of a copy of the order and petition. An order expires one year after service on the defendant. A modified order is effective on service and expires one year after service of the initial order and petition.

M. Each affidavit, acceptance or return of service shall be promptly filed with the clerk of the issuing court. This filing shall be completed in person, shall be made by fax or shall be postmarked, if sent by mail, no later than the end of the seventh court business day after the date of service. If the filing is made by fax, the original affidavit, acceptance or return of service shall be promptly filed with the court. Within twenty-four hours after the affidavit, acceptance or return of service has been filed, excluding weekends and holidays, the court from which the order or any modified order was issued shall forward to the sheriff of the county in which the court is located a copy of the order of protection and a copy of the affidavit or certificate of service of process or acceptance of service. On receiving these copies, the sheriff shall register the order. Registration of an order means that a copy of the order of protection and a copy of the affidavit or acceptance of service have been received by the sheriff's office. The sheriff shall maintain a central repository for orders of protection so that the existence and validity of the orders can be easily verified. The effectiveness of an order does not depend on its registration, and for enforcement purposes pursuant to section 13-2810, a copy of an order of the court, whether or not registered, is presumed to be a valid existing order of the court for a period of one year from the date of service of the order on the defendant.

N. A peace officer, with or without a warrant, may arrest a person if the peace officer has probable cause to believe that the person has violated section 13-2810 by disobeying or resisting an order that is issued in any jurisdiction in this state pursuant to this section, whether or not such violation occurred in the presence of the officer. Criminal violations of an

1 order issued pursuant to this section shall be referred to an appropriate law
2 enforcement agency. The law enforcement agency shall request that a
3 prosecutorial agency file the appropriate charges. A violation of an order
4 of protection shall not be adjudicated by a municipal or justice court unless
5 a complaint has been filed or other legal process has been requested by the
6 prosecuting agency. The provisions for release under section 13-3883,
7 subsection A, paragraph 4 and section 13-3903 do not apply to an arrest made
8 pursuant to this section. For the purposes of this section, any court in
9 this state has jurisdiction to enforce a valid order of protection that is
10 issued in this state and that has been violated in any jurisdiction in this
11 state.

12 O. A person who is arrested pursuant to subsection N of this section
13 may be released from custody in accordance with the Arizona rules of criminal
14 procedure or any other applicable statute. An order for release, with or
15 without an appearance bond, shall include pretrial release conditions that
16 are necessary to provide for the protection of the alleged victim and other
17 specifically designated persons and may provide for any other additional
18 conditions that the court deems appropriate, including participation in any
19 counseling programs available to the defendant. The agency with custody of
20 the defendant shall make reasonable efforts to contact the victim and other
21 specifically designated persons in the order of protection, if known to the
22 custodial agency, who requested notification immediately on release of the
23 arrested person from custody.

24 P. The remedies provided in this section for enforcement of the orders
25 of the court are in addition to any other civil and criminal remedies
26 available. The superior court shall have exclusive jurisdiction to issue
27 orders of protection in all cases if it appears from the petition that an
28 action for maternity or paternity, annulment, legal separation or dissolution
29 of marriage is pending between the parties. A municipal court or justice
30 court shall not issue an order of protection if it appears from the petition
31 that an action for maternity or paternity, annulment, legal separation or
32 dissolution of marriage is pending between the parties. After issuance of an
33 order of protection, if the municipal court or justice court determines that
34 an action for maternity or paternity, annulment, legal separation or
35 dissolution of marriage is pending between the parties, the municipal court
36 or justice court shall stop further proceedings in the action and forward all
37 papers, together with a certified copy of docket entries or any other record
38 in the action, to the superior court where they shall be docketed in the
39 pending superior court action and shall proceed as though the petition for an
40 order of protection had been originally brought in the superior court.
41 Notwithstanding any other law and unless prohibited by an order of the
42 superior court, a municipal court or justice court may hold a hearing on all
43 matters relating to its ex parte order of protection if the hearing was
44 requested before receiving written notice of the pending superior court
45 action. No order of protection shall be invalid or determined to be

1 ineffective merely because it was issued by a lower court at a time when an
2 action for maternity or paternity, annulment, legal separation or dissolution
3 of marriage was pending in a higher court. After a hearing with notice to
4 the affected party, the court may enter an order requiring any party to pay
5 the costs of the action, including reasonable attorney fees, if any. An
6 order that is entered by a justice court or municipal court after a hearing
7 pursuant to this section may be appealed to the superior court as provided in
8 title 22, chapter 2, article 4, section 22-425, subsection B and the superior
9 court rules of civil appellate procedure without regard to an amount in
10 controversy. No fee may be charged to either party for filing an appeal.
11 For the purposes of this subsection, "pending" means, with respect to an
12 action for annulment, legal separation or dissolution of marriage or for
13 maternity or paternity, either that:

14 1. An action has been commenced but a final judgment, decree or order
15 has not been entered.

16 2. A post-decree proceeding has been commenced but a judgment, decree
17 or order finally determining the proceeding has not been entered.

18 Q. A peace officer who makes an arrest pursuant to this section or
19 section 13-3601 is not civilly or criminally liable for the arrest if the
20 officer acts on probable cause and without malice.

21 R. In addition to persons authorized to serve process pursuant to rule
22 4(d) of the Arizona rules of civil procedure, a peace officer or a
23 correctional officer as defined in section 41-1661 who is acting in the
24 officer's official capacity may serve an order of protection that is issued
25 pursuant to this section. Service of the order of protection has priority
26 over other service of process that does not involve an immediate threat to
27 the safety of a person.

28 S. A valid protection order that is related to domestic or family
29 violence and that is issued by a court in another state, a court of a United
30 States territory or a tribal court shall be accorded full faith and credit
31 and shall be enforced as if it were issued in this state for as long as the
32 order is effective in the issuing jurisdiction. For the purposes of this
33 subsection:

34 1. A protection order includes any injunction or other order that is
35 issued for the purpose of preventing violent or threatening acts or
36 harassment against, contact or communication with or physical proximity to
37 another person. A protection order includes temporary and final orders other
38 than support or child custody orders that are issued by civil and criminal
39 courts if the order is obtained by the filing of an independent action or is
40 a pendente lite order in another proceeding. The civil order shall be issued
41 in response to a complaint, petition or motion that was filed by or on behalf
42 of a person seeking protection.

43 2. A protection order is valid if the issuing court had jurisdiction
44 over the parties and the matter under the laws of the issuing state, a United
45 States territory or an Indian tribe and the person against whom the order was

1 issued had reasonable notice and an opportunity to be heard. If the order is
2 issued ex parte, the notice and opportunity to be heard shall be provided
3 within the time required by the laws of the issuing state, a United States
4 territory or an Indian tribe and within a reasonable time after the order was
5 issued.

6 3. A mutual protection order that is issued against both the party who
7 filed a petition or a complaint or otherwise filed a written pleading for
8 protection against abuse and the person against whom the filing was made is
9 not entitled to full faith and credit if either:

10 (a) The person against whom an initial order was sought has not filed
11 a cross or counter petition or other written pleading seeking a protection
12 order.

13 (b) The issuing court failed to make specific findings supporting the
14 entitlement of both parties to be granted a protection order.

15 4. A peace officer may presume the validity of and rely on a copy of a
16 protection order that is issued by another state, a United States territory
17 or an Indian tribe if the order was given to the officer by any source. A
18 peace officer may also rely on the statement of any person who is protected
19 by the order that the order remains in effect. A peace officer who acts in
20 good faith reliance on a protection order is not civilly or criminally liable
21 for enforcing the protection order pursuant to this section.